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REMARKS

The Office Action mailed October 18, 2005, has been carefully reviewed and, by this Amendment, claims 66, 67, 70, 71 and 77 have been amended. Accordingly, claims 1-79 remain pending in the application. Claims 1-65 and 74-76 have been withdrawn. In view of the foregoing amendments and the following remarks, favorable reconsideration of this application is respectfully requested.

The Examiner objected to the declaration as not being in compliance with 37 C.F.R. 1.67(a). A replacement declaration that overcomes the basis for the objection is attached hereto.

The Examiner objected to the drawings as not including the reference sign "Fig. 7" referred to in the specification. By this Amendment, Applicant has amended the specification to refer to "Figs. 7A and 7B" which is in correspondence with the drawings. Withdrawal of the objection is therefore requested.

The Examiner objected to the abstract as being too long and objected to claim 67 to as containing informalities. With the amendments set forth herein, these informalities have been corrected. Withdrawal of the objections is requested.

The Examiner rejected claims 66-71 under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2001/0053980

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to Suliman, Jr. et al. ("Suliman"). Under 35 U.S.C. 103(a), the Examiner rejected claims 72 and 73 as being unpatentable over Suliman in view of U.S. Patent No. 4,707,592 to Ware, and rejected claims 77-79 as being unpatentable over Suliman in view of U.S. Patent No. 6,886,748 to Moore.

As set forth in amended claims 66 and 77, the present invention is directed to a device for acquiring data having a processor operative with a program stored in the memory to receive user data that includes at least one of a product having a product identification, *and a biological variable*. With this data, the processor determines if the data received interacts with products that are stored in the memory, with the interaction including at least one of a *product-to-product interaction and a biological variable-to-product interaction*. This is not shown or suggested by the prior art.

Suliman teaches a blind electronic warranty registration system distributed over a computer network that tracks consumer products and notifies consumers buying these products of recall, safety or other product specific notices relating to the products. Manufacturers are also kept apprised of support and service requirements which, in turn, are tracked by the system. There is nothing in Suliman that discloses an

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apparatus or device that receives and stores both product information *and biological variables*, and that is configured to identify *product-to-product and biological variable-to-product interactions* based on the input biological variables and product information both entered and already stored. Nor is there anything in the warranty data information of Suliman to suggest such a configuration and resulting capability as that claimed by the present invention. Accordingly, claims 66 and 77 are patentable over Suliman. Support for the amendments set forth in claim 66 and 77 is representatively set forth in the specification on page 28, lines 16-20; page 29, line 20 to page 30, line 1; page 41, lines 18-22; page 72, lines 10-14; and page 101, last line to page 102, line 5.

As set forth in amended claims 70 and 71, the present invention is also directed to a system for *offering alternative products* to a user and for monitoring products purchased by the user. An identification card having a code recorded thereon is applied as linking the products purchased to the user identified by the card to enable identification of the user as participating in an *alternative product program* and recall and warning notification program.

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The system includes a checkout station, an identification card having recorded thereon an identification code indicating the user as participating in the recall and warning notification program and alternative product program, a card reader at the checkout station and operated for reading the identification code indicating the user as participating in the alternative product program and recall and notification program, a data input device at the checkout station for inputting data representing the products being purchased by the user, a storage device for storing the data acquired at the checkout station, and a communication device for transmitting the acquired data to a central server. The central server is adapted to transmit information to the user as well as *an alternative product* to a harmful or recalled product. This also is not shown or suggested by Suliman which is silent with respect to an alternative product program and also with respect to affirmatively providing the user with alternative product information. Support for the amendments set forth in claim 70 and 71 is representatively set forth in the specification on page 29, line 20 to page 30, line 4; page 73, lines 10-19; page 125, lines 15-21; page 140, lines 10-12; page 143, line 20 to page 144, line 1; and page 156, last line to page 157, line 4.

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For at least the foregoing reasons, claims 66, 70, 71 and 77 are in condition for allowance. Claims 67-69, 72, 73, 78 and 79 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

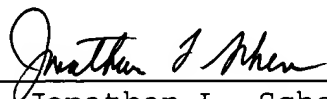
Finally, Applicant is currently in the process of obtaining the documents that will show that the date of invention of the present application was earlier than the prior art reference date of Suliman.

With the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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By



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